

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUN 29 2007

CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

LOCAL 67, OPERATIVE PLASTERERS
and CEMENT MASONS INTERNATIONAL
ASSOCIATION, AFL-CIO,

CASE NO. 04-CV-73022

Plaintiff,

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

-vs-

GEM MANAGEMENT COMPANY, INC.,

Defendant

**ORDER WITHDRAWING ORDER OF JUNE 26, 2007, AND PROVIDING
DEFENDANT WITH 7 DAYS – TO JULY 11, 2007 – TO FILE OBJECTIONS TO
PLAINTIFF'S FILING OF JUNE 22, 2007 (DOCK. NO. 115)**

Plaintiff filed this case to enforce a Joint Grievance Board award under § 301 of the Labor Management Relations Act, pursuant to a Collective Bargaining Agreement grievance process. On June 15, 2007, the Court, in an Opinion and Order, granted Plaintiff's Motion for Summary Judgment, finding that Defendant was bound by the terms of the Collective Bargaining Agreement and the decision of the Joint Grievance Board. *See Local 67, Operative Plasterers & Cement Masons Int'l Ass'n, AFL-CIO v. GEM Mgmt. Co.*, No. 04-73022, 2007 WL 1760902 (E.D. Mich. June 15, 2007) (unpublished). On the same date, the Court denied Defendant's Motion for Summary Judgment. Defendant did not file a Motion for Reconsideration on either of the Court's June 15, 2007 Orders.

On June 22, 2007, Plaintiff submitted to the Court a Notice of Entry of Order Submitted under the Seven Day Rule that included a "Proposed Judgment" to be submitted to the Court for signing in seven days if "no objections to its accuracy or completeness are filed." The Court


subsequently – and prematurely – signed and issued that requested Judgment on June 26, 2007, only four days after Plaintiff's filing and Notice.

Defendant has now filed an Emergency Motion to Set Aside Judgment. Defendant argues, correctly, that it has been deprived of the seven days granted to it by Local Rule 58.1 in which to object to Plaintiff's filing of June 22, 2007.

Accordingly, the Court withdraws its June 26, 2007 Judgment because it was issued prematurely. The Court provides Defendant with seven days from today to respond to Plaintiff's proposal. Defendant's objections must be filed by July 11, 2007.

The Court notes, however, that the instant Order does not call into question the Court's June 15, 2007 Orders granting Plaintiff's Motion for Summary Judgment, and denying Defendant's Motion for Summary Judgment.

SO ORDERED.


PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Date: 6-29-07
Detroit, MI